

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

NC-WC LP,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 3:06-cv-440-WKW
)	
DAVID STIVARIUS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On April 28, 2006, Plaintiff filed its complaint for an entry of judicial foreclosure based on allegations that the defendants were in default on their mortgage payments. The mortgage in question contained no power of sale. *See* (Compl. ¶ 8.) Defendant Internal Revenue Service (“IRS”) removed the action to this court by Notice of Removal (Doc. # 1).

It appears from the filings in this matter that the plaintiff has conducted a judicial foreclosure sale without an entry of an order of judicial foreclosure. When the court issued its show cause order to defendants on January 9, 2007 (Doc. # 19), only one defendant, the IRS, responded (Doc. # 20), and that response required a modification to the proposed entry of judicial foreclosure. Meanwhile, plaintiff proceeded to sell the property and so informed the court, despite the lack of an order, and despite there being no response on the record from defendants Delta Properties and Alan K. Fleming as to the show cause order, the proposed order of sale, and related issues. The court, in view of the fact that the sale had already occurred, denied the still-pending Motion for Entry of Judicial Foreclosure as moot (Doc. # 24) on April 27, 2007. Upon further review of the filings, it appears that the plaintiff misconstrued the show cause order of January 9, 2007 (Doc. # 19), as an entry of judicial foreclosure.

In view of the above, the plaintiff is DIRECTED TO FILE by **May 15, 2007**, a written status report of the current status of the sale and disposition of the proceeds thereof; and a motion detailing what action, if any, the court is requested to take in connection with this matter. All defendants are DIRECTED to file a response to the filings of the plaintiff by **May 29, 2007**. Failure of the plaintiff to file as directed will be considered an abandonment of this action, and the action will thereafter be dismissed.

Done this 1st day of May, 2007

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE